

AMENDED IN SENATE MAY 5, 1998  
AMENDED IN SENATE APRIL 27, 1998  
AMENDED IN SENATE APRIL 21, 1998  
AMENDED IN SENATE JULY 2, 1997  
AMENDED IN ASSEMBLY JUNE 2, 1997  
AMENDED IN ASSEMBLY MAY 27, 1997  
AMENDED IN ASSEMBLY MAY 19, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1334**

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**Introduced by Assembly Members Knox and Villaraigosa**  
**(Principal coauthor: Assembly Member Leonard)**  
(Principal coauthors: Senators Burton, Hayden, ~~and~~  
~~Johnson~~) *Johnson, and Schiff*)

February 28, 1997

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An act to add Section 354.5 to the Code of Civil Procedure, relating to insurance for Holocaust victims, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1334, as amended, Knox. Insurance: Holocaust victims.

Existing law regulates the enforcement of insurance contracts issued by insurers doing business in this state, as specified.

This bill would provide that any Holocaust victim, or heir of a Holocaust victim, who resides in this state and has a claim arising out of an insurance policy or policies purchased in Europe between 1920 and 1945 from a specified insurer may bring a legal action to recover on that claim in any superior court of the state, which shall be vested with jurisdiction over that action until its completion or resolution; and any action brought by a Holocaust victim or the heir or beneficiary of a Holocaust victim, whether resident or nonresident of this state, seeking proceeds of the insurance policy or policies issued or in effect between 1920 and 1945 shall not be dismissed for failure to comply with the applicable statute of limitation provided the action is commenced on or before December 31, 2010. The bill would also state the intent of the Legislature in this regard.

The bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. (a) The Legislature recognizes that  
2 thousands of Holocaust survivors and the heirs of  
3 Holocaust victims are residents or citizens of the State of  
4 California. The Legislature further recognizes and finds  
5 that these people have, too often, been deprived of their  
6 contractual entitlement to benefits under insurance  
7 policies issued by insurance companies operating in  
8 Europe prior to and during World War II. California has  
9 an overwhelming public policy interest in assuring that its  
10 residents and citizens who are claiming entitlement to  
11 proceeds under policies issued to Holocaust victims are  
12 treated reasonably and fairly and that those contractual  
13 obligations are honored.

14 (b) It is the specific intent of the Legislature to assure  
15 that Holocaust victims be permitted to have an  
16 expeditious, inexpensive, and fair forum in which to  
17 resolve their claims for benefits under these policies by  
18 allowing actions to be brought in California courts and



1 subject to California law, irrespective of any contrary  
2 forum selection provision contained in the policies  
3 themselves. It is the finding of the Legislature that  
4 enforcement of forum selection provisions in those  
5 policies would work an undue, unreasonable, and unjust  
6 hardship on Holocaust victims who are residents of  
7 California and that those provisions are unenforceable  
8 with respect to the policies as to which this act applies.

9 (c) To the extent that the statute of limitations  
10 regarding contractual or tort claims arising from the  
11 denial of benefits under the policies is extended by this  
12 act, that extension of the limitations period is intended to  
13 be applied retroactively, irrespective of whether the  
14 claims were otherwise barred by any applicable statute of  
15 limitations under any other provision of law prior to the  
16 enactment of this act.

17 SEC. 2. Section 354.5 is added to the Code of Civil  
18 Procedure, to read:

19 354.5. (a) The following definitions govern the  
20 construction of this section:

21 (1) "Holocaust victim" means any person who was  
22 persecuted during the period of 1930 to 1945, inclusive, by  
23 Nazi Germany or its allies.

24 (2) "Related company" means any parent, subsidiary,  
25 ~~or affiliate company at least 50 percent of the stock of~~  
26 ~~which is in common ownership with an insurer doing~~  
27 ~~business in the state. reinsurer, successor in interest,~~  
28 ~~managing general agent, or affiliate company of the~~  
29 ~~insurer.~~

30 (3) "Insurer" means an insurance provider doing  
31 business in the state, *or whose contacts in the state satisfy*  
32 *the constitutional requirements for jurisdiction*, that sold  
33 life, annuities, dowry, educational, or casualty insurance  
34 covering persons or property to persons in Europe at any  
35 time between 1920 and 1945, directly or through a related  
36 company.

37 (b) Notwithstanding any other provision of law, any  
38 Holocaust victim, or heir *or beneficiary* of a Holocaust  
39 victim, who resides in this state and has a claim arising out  
40 of an insurance policy or policies purchased in Europe

1 between 1920 and 1945 from an insurer described in  
2 paragraph (3) of subdivision (a) of ~~Section 10550 of the~~  
3 ~~Insurance Code~~ *this section*, may bring a legal action to  
4 recover on that claim in any superior court of the state;  
5 ~~which for the county in which the plaintiff or one of the~~  
6 ~~plaintiffs resides, which court~~ shall be vested with  
7 jurisdiction over that action until its completion or  
8 resolution.

9 (c) Any action brought by a Holocaust victim or the  
10 heir or beneficiary of a Holocaust victim, whether a  
11 resident or nonresident of this state, seeking proceeds of  
12 the insurance policies issued or in effect between 1920  
13 and 1945 shall not be dismissed for failure to comply with  
14 the applicable statute of limitation, provided the action is  
15 commenced on or before December 31, 2010.

16 SEC. 3. This act is an urgency statute necessary for the  
17 immediate preservation of the public peace, health, or  
18 safety within the meaning of Article IV of the  
19 Constitution and shall go into immediate effect. The facts  
20 constituting the necessity are:

21 In order to provide just compensation to aging  
22 Holocaust victims, it is necessary that this act take effect  
23 immediately.

